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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/341,368 10/05/99 JAEHNER

W 67190/965158

EXAMINER

MMC2/0228

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ART UNIT

PAPER NUMBER

2836

DATE MAILED:

02/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/341,368**

Applicant(s)  
**Jaehner et al.**

Examiner  
**Ronald W. Leja**

Group Art Unit  
**2836**



☒ Responsive to communication(s) filed on Jul 8, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 5-7 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 5-7 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2836

1. The drawings are objected to because the blank box (6) needs to be labeled. Correction is required.

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 4-6 been renumbered 5-7.

\*\*\* The above numbering problem arose due to the fact that the instant amendment of 10/5/99 was entered to the "underlying PCT application" and not to the "revised pages"; the "revised pages" are not being considered as part of the instant Specification. \*\*\*

3. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

What is meant by "until at least one predefined threshold value of the switching parameters is attained" in Claim 5? Does this mean a threshold value for each switching parameter must be attained or just the first one which can be attained at the time? Claim 6 is confusing in that it is mostly redundant and in line 3, "at least" should be deleted. In Claim 7, it is suggested that "the at least one threshold value" should more properly be "the at least one predefined threshold value".

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Heider (4,429,342).

See Figures 5-8 and Col. 7, line 55 through Col. 8, line 34 wherein it is disclosed that coil (3) excitation current is controlled based upon the path of the armature per time unit.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ronald W. Leja whose telephone number is (703)308-2008.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-0956. The Group FAX numbers are (703)305-3431 or (703)305-3432.

*Ronald W. Leja*  
RONALD W. LEJA  
PRIMARY EXAMINER

*2/26/01*

rw1  
February 26, 2001